

1                   **IN THE UNITED STATES DISTRICT COURT**  
2                   **MIDDLE DISTRICT OF TENNESSEE**  
3                   **NASHVILLE DIVISION**

4                   **UNITED STATES OF AMERICA**                   )

5                   )    )

6                   )    )

7                   **v.**    ) 3:22-cr-00078-1  
8                   )    ) JUDGE RICHARDSON  
9                   )    )

10                   **ROBIN SMITH**    )

11                   )    )

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13                   **BEFORE THE HONORABLE ELI J. RICHARDSON, DISTRICT JUDGE**

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15                   **TRANSCRIPT OF PROCEEDINGS**  
16                   **PLEA HEARING**

17                   **March 8, 2022**

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23                   **DEBORAH K. WATSON, RPR, CRR**  
24                   **Official Court Reporter**  
25                   **713 Church Street, Suite 2300**  
                    **Nashville, TN 37203**  
                    **[debbie\\_watson@tnmd.uscourts.gov](mailto:debbie_watson@tnmd.uscourts.gov)**

1 APPEARANCES :

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3 For the Government:

4                   AMANDA J. KLOPF, former AUSA  
5                   U.S. Attorney's Office  
6                   719 Church Street  
7                   Suite 3300  
8                   Nashville, TN 37203  
9                   (615) 736-5151  
10                  E-mail: USATNM.ECFUnassigned@usa.doj.gov

11                  JOHN P. TADDEI  
12                  U.S. Department of Justice  
13                  Public Integrity Section  
14                  1301 New York Ave. NW  
15                  Suite 10th Floor  
16                  Washington, D.C. 20530  
17                  (202) 514-1412  
18                  E-mail: john.taddei@usdoj.gov

19 For the Defendant:

20                  WILLIAM DAVID BRIDGERS  
21                  Holland & Knight  
22                  511 Union Street  
23                  Suite 2700  
24                  Nashville, TN 37219  
25                  (615) 850-8874  
26                  E-mail: david.bridgers@hklaw.com

27                  BENJAMIN M. ROSE  
28                  RoseFirm, PLLC  
29                  P.O. Box 1108  
30                  Brentwood, TN 37024  
31                  (615) 942-8295  
32                  E-mail: ben@rosefirm.com

33                  L. WELLS TROMPETER  
34                  Holland & Knight LLP  
35                  511 Union Street  
36                  Suite 2700  
37                  Nashville, TN 37219  
38                  (615) 850-8759  
39                  E-mail: wells.trompeter@hklaw.com

1                           \* \* \*

2                           The above-styled cause came on to be heard at  
3                           4:46 p.m. on March 8, 2022, before the Honorable Eli J.  
4                           Richardson, District Judge, when the following proceedings  
5                           were had, to-wit:

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7                           **THE COURT:** We are here this afternoon in the  
8                           matter of *United States v. Robin Smith*. The case number is  
9                           3:22-cr-78. We're here to consider a petition to enter a  
10                          plea of guilty pursuant to a plea agreement between the  
11                          defendant, Ms. Smith, and the government.

12                          If counsel could make their appearances, please.

13                          **MS. KLOPF:** Good afternoon, Your Honor. Amanda  
14                          Klopf on behalf of the United States, and present with my  
15                          colleague, John Taddei. He is a trial attorney from the  
16                          public integrity network.

17                          **THE COURT:** All right. Very --

18                          **MR. TADDEI:** Public Integrity office.

19                          **MS. KLOPF:** I'm sorry. Public Integrity office.

20                          **THE COURT:** Public Integrity Section. Yep.

21                          All right. Good afternoon, counsel.

22                          **MR. BRIDGERS:** Good afternoon, Your Honor. David  
23                          Bridgers on behalf of Robin Smith. I'm joined by Wells  
24                          Trompeter, also from my firm, and Ben Rose.

25                          **THE COURT:** All right. Good afternoon, counsel.

1 Good afternoon, Mr. Bridgers.

2 Mr. Bridgers, if Ms. Smith has not yet executed  
3 the plea petition and plea agreement, she may do so at this  
4 time.

5 **MR. BRIDGERS:** She will do so.

6 (Respite.)

7 **THE COURT:** All right. If we look at the plea  
8 agreement, it appears to have the required signatures. And  
9 the plea petition, which is our shorthand term for the  
10 petition to enter a plea of guilty, appears to have the  
11 required signatures as well, so we're prepared to proceed.

12 I did have a couple of preliminary questions for  
13 the attorneys. Ms. Klopf, Mr. Bridgers, one thing I noted  
14 in the government's statement of the elements, it looks like  
15 the government has been careful to make sure that the first  
16 element is consistent with the U.S. Supreme Court decision  
17 from 2010, *Skilling v. United States*. I think that's why it  
18 was written that way.

19 Are you satisfied, Mr. Bridgers, that the  
20 statement of that element, as properly limited, based on the  
21 *Skilling* decision, is accurate?

22 **MR. BRIDGERS:** Yes, Your Honor.

23 **THE COURT:** Okay. All right. Very well. I  
24 assume that's why you wrote it that way.

25 Fair to say, Ms. Klopf?

1                   **MS. KLOPF:** Yes, Your Honor.

2                   **THE COURT:** All right. Well, that's important to  
3 do that, and we want to acknowledge that the statement of  
4 the elements incorporates the holding in *Skilling*.

5                   The second thing I did want to ask counsel was  
6 this: The extent to which the part of the plea agreement  
7 that would be found beginning at page 13, any reason not to  
8 discuss that?

9                   **MR. BRIDGERS:** Your Honor, I'm sorry. I didn't  
10 catch your question. Any reason --

11                  **THE COURT:** Any reason not to discuss the part of  
12 the plea agreement? You know how we discuss some parts of  
13 the plea agreement and others, we don't necessarily at a  
14 plea hearing? Page 13.

15                  **MR. BRIDGERS:** Okay. Yeah.

16                  **THE COURT:** Any reason not to?

17                  **MS. KLOPF:** No, Your Honor.

18                  **THE COURT:** Okay.

19                  **MS. KLOPF:** Not from the perspective of the  
20 United States.

21                  **MR. BRIDGERS:** And not from Ms. Smith's  
22 perspective.

23                  **THE COURT:** All right. Very well.

24                  So, Ms. Smith, as the Judge assigned to this  
25 case, it is my duty to determine whether to accept your

1 request to plead guilty in this case. And in order to  
2 accept that request, I need to determine that you are  
3 offering to plead guilty knowingly, voluntarily, and  
4 intelligently. In order to do that, I need to ask you  
5 questions about a variety of topics.

6 And many of the topics, I suspect won't be new to  
7 you. You'll be familiar with them from studying for your  
8 own case and from discussions with your attorneys, but some  
9 of the things, I need to take from the beginning anyway as  
10 if it was new to you.

11 It's important for you to realize that your  
12 answers will be given under oath, which makes it especially  
13 important for you to answer the questions to your best  
14 truthful knowledge and recollection, because if it was later  
15 alleged that you had knowingly given me a false answer, that  
16 could be grounds for an additional charge of false statement  
17 or perjury.

18 Does that make sense?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** All right. You also have the right  
21 to remain silent, and this, of course, is an important right  
22 for you to have, and that means many different things.  
23 Among other things, it means that you could decline to plead  
24 guilty today. You could decline to answer any questions  
25 from me today. Instead, you could, if you wanted to, even

1 though we've all gathered here, you could call off the plea  
2 hearing, stand on your right to remain silent, and continue  
3 under your current plea of not guilty and head towards  
4 trial. You could still do that.

5 Do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** All right. Knowing these things, do  
8 you still wish to offer a plea of guilty here today?

9 **THE DEFENDANT:** I do, Your Honor.

10 **THE COURT:** All right. If we could have  
11 Ms. Smith placed under oath, please.

12 (The defendant was sworn.)

13 **THE COURT:** All right. Ms. Smith, if you could  
14 please tell us your full name.

15 **THE DEFENDANT:** Robin Danette Tucker Smith.

16 **THE COURT:** All right. And how old are you?

17 **THE DEFENDANT:** I am 58 years of age.

18 **THE COURT:** And how far did you go in school?

19 **THE DEFENDANT:** I was a Bachelor of Science in  
20 Nursing, and I did extended distance learning in 2008 for a  
21 certified -- certification in project management.

22 **THE COURT:** And you are previously a member of  
23 the Tennessee General Assembly; is that correct?

24 **THE DEFENDANT:** That is correct, Your Honor.

25 **THE COURT:** Fair to say in that capacity, you've

1 had the occasion to review really countless documents that  
2 are of a legal nature?

3                   **THE DEFENDANT:** That is correct, Your Honor.

4                   **THE COURT:** All right. Thank you.

5                   I'm going to begin by going over the charge  
6 against you in this case. And the charge is contained in a  
7 document called an information, and the information is a  
8 document where you have waived the right to be charged by a  
9 Grand Jury indictment. The charge is brought with your  
10 consent by the United States Attorney.

11                  And in this case, the information charges you  
12 with just a single count, which is what is known in legal  
13 circles as Honest Services Wire Fraud, which is to say fraud  
14 by wire where the fraud relates to the public's right to  
15 receive honest services.

16                  The allegation is that the conduct alleged in the  
17 information is in violation of Title 18, United States Code,  
18 Section 1343, which is the general wire fraud statute, and  
19 also Title 18, United States Code, Section 1346, which  
20 contains Congress's essentially clarification that a scheme  
21 to defraud includes a scheme to defraud basically the public  
22 out of their right to honest services.

23                  Have you been able to receive the information and  
24 read it line for line and word for word?

25                  **THE DEFENDANT:** I have, Your Honor.

1                   **THE COURT:** Have you been able to discuss it to  
2 your full satisfaction with your attorneys?

3                   **THE DEFENDANT:** Yes, Your Honor, I have.

4                   **THE COURT:** All right. Any questions about this  
5 document?

6                   **THE DEFENDANT:** No, sir. No, Your Honor.

7                   **THE COURT:** All right. I wanted to note that as  
8 you would have seen in reading it, that towards the end,  
9 there's something known as a forfeiture allegation. And the  
10 forfeiture allegation is a place in the indictment where the  
11 government claims the right to take away your interest in  
12 certain property that is connected in legally sufficient  
13 ways with the crime that's been charged.

14                  So in this forfeiture allegation, the government  
15 notes that it is claiming the right to take away your  
16 interest by forfeiture to property associated with this  
17 alleged crime.

18                  Any questions about the forfeiture allegation?

19                  **THE DEFENDANT:** No, Your Honor.

20                  **THE COURT:** All right. Then let's talk next  
21 about the elements of the offense and the maximum possible  
22 penalties.

23                  An element of an offense is simply something that  
24 the government must prove beyond a reasonable doubt for you  
25 to be found guilty of the offense.

1               In this case, we have an alleged crime that has  
2 four different elements. They are as follows: First, that  
3 you knowingly devised or participated in a scheme to defraud  
4 the public out of its right to the honest services of you as  
5 the public official through bribery or kickbacks. It's not  
6 a crime unless the offense involved bribery or the receipt  
7 or giving of kickbacks.

8               The second element is that you did so knowingly  
9 and with the intent to defraud.

10              Third, the scheme or artifice to defraud must  
11 have involved a material misrepresentation or a false  
12 statement or a false pretense or concealment of a material  
13 fact.

14              And finally, the government would have to show  
15 that in advancing or furthering or carrying out the scheme  
16 to defraud, you, in some way, transmitted or caused to be  
17 transmitted any writing, signal, or sound by means of a wire  
18 communication in interstate or foreign commerce, typically  
19 meaning that the writing signal or sound crossed state  
20 lines.

21              Any questions about the elements of this charged  
22 offense?

23              **THE DEFENDANT:** No, Your Honor.

24              **THE COURT:** All right. Let's talk about the  
25 maximum possible penalties. There is a maximum prison term

1 of 20 years with no minimum mandatory sentence. There is a  
2 special assessment of \$100, which means simply an order to  
3 pay \$100 into court. There is a maximum fine of \$250,000,  
4 and there is a maximum term of supervised release of three  
5 years.

6 Also, I had mentioned the possibility of  
7 forfeiture as a result of a conviction for this offense.

8 Any questions about the maximum possible  
9 penalties?

10 **THE DEFENDANT:** No, Your Honor.

11 **THE COURT:** All right. Have you been able to  
12 discuss the elements of the offense and the maximum possible  
13 penalties with your attorneys to your full satisfaction?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Have you been able to discuss with  
16 them any possible defenses you might have to this charge?

17 **THE DEFENDANT:** I have, Your Honor.

18 **THE COURT:** All right. Are you satisfied with  
19 counsel's representation of you?

20 **THE DEFENDANT:** I am, Your Honor.

21 **THE COURT:** Any complaints at all about the  
22 representation?

23 **THE DEFENDANT:** No, Your Honor.

24 **THE COURT:** All right. Let's talk a little bit  
25 more about supervised release. I had mentioned the maximum

1 term of supervised release. A term of supervised release is  
2 a period of time during which your activities, after release  
3 from any term of incarceration, would be supervised, to some  
4 extent, by the United States Probation Office.

5 So the way it works is that if you are given a  
6 term of supervised release, you would need to comply with  
7 various conditions of supervised release for that period,  
8 and if you were to violate a condition of supervised  
9 release, you could be subject to additional sanctions,  
10 including an additional term of incarceration. And so if  
11 you do get a term of supervised release, it would be  
12 important to comply with all conditions of supervised  
13 release.

14 We don't know at this juncture what terms of  
15 supervised release might look like. If there was to be a  
16 term, that would be something to be determined by me at  
17 sentencing.

18 Any questions about supervised release?

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** All right. I had mentioned the  
21 maximum fine. The Court would impose a fine in at least  
22 some amount unless it was determined you're financially  
23 unable to pay a fine, in which case the Court would not  
24 impose a fine.

25 If anyone has lost any money or property as a

1 result of your conduct, you can or perhaps would be required  
2 to be ordered to pay restitution.

3 I had also mentioned the possibility, of course,  
4 of forfeiture. It's important to note that it is possible  
5 that forfeiture can be ordered in addition to restitution,  
6 and we may talk a little bit more about how those two work  
7 together later.

8 Any questions so far?

9 **THE DEFENDANT:** No, Your Honor.

10 **THE COURT:** All right. Couple of final  
11 consequences that you need to know of conviction by guilty  
12 plea. If you are convicted of a felony offense, meaning an  
13 offense punishable by more than one year in prison, in  
14 Tennessee, that typically would deprive you of the right to  
15 vote and the right to possess a firearm unless and until  
16 such rights would be restored.

17 Any questions about that?

18 **THE DEFENDANT:** No, Your Honor.

19 **THE COURT:** All right. Let's talk about the  
20 sentencing process we would follow if I accept your plea of  
21 guilty here today. We would schedule a sentencing hearing,  
22 and prior to the sentencing hearing, the United States  
23 Probation Office would prepare something called a  
24 Presentence Investigation Report, known as a PSR for short.

25 The PSR would contain information about you as an

1 individual, about any prior criminal history you have, if  
2 you happen to have any. It would also contain information  
3 about you -- in addition, information about you as an  
4 individual. It would have information about the offense  
5 conduct in which you engaged.

6 So all this would be in the PSR.

7 Additionally, the PSR would contain the probation  
8 officer's opinion about what the guideline ranges are in  
9 your case under the United States sentencing guidelines.

10 Have you been able to speak with your attorneys  
11 about the sentencing guidelines?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** Good. Then I can summarize just  
14 briefly how it works. Sentencing guidelines are used to  
15 calculate three different ranges for each defendant's case.  
16 One is a range for a length of a term of supervised release,  
17 one is a range for an amount of a fine, and the range for an  
18 amount of a fine is based on your offense level which is  
19 based on the facts and circumstances surrounding your  
20 offense.

21 And then the third guideline range is a range for  
22 a length of a term of incarceration. That's based on your  
23 offense level, and it's also based in part on your criminal  
24 history category, which is based on any prior criminal  
25 convictions you may have.

1                   So the way the process works is the probation  
2 officer, in the PSR, gives me her opinion about what the  
3 guideline ranges are in your case.

4                   If you disagree with that opinion, you're allowed  
5 to object to that opinion before sentencing and at  
6 sentencing. The government can do likewise. In making an  
7 objection to the probation officer's opinion and asserting  
8 what you believe the proper guideline range is, you would be  
9 permitted at the sentencing hearing to present evidence and  
10 argument on that topic. The government could do likewise.

11                  Now, if Mr. Bridgers had given you an estimate  
12 about what he thinks your guideline range would be, that  
13 would be perfectly appropriate, but you do need to know that  
14 that's his opinion only and that the final decision is for  
15 me and me alone.

16                  Are you with me so far?

17                  **THE DEFENDANT:** Yes, Your Honor, I am.

18                  **THE COURT:** Very well. All right. The guideline  
19 ranges, though, are not mandatory for the Court. The Court  
20 typically could sentence above, below, or within the  
21 guidelines range. And to determine what sentence to impose,  
22 the Court needs to consider not only the guideline range,  
23 but also various other factors and circumstances. And at a  
24 sentencing hearing, you and the government both could  
25 present evidence and argument about the other relevant

1       circumstances for what your sentence should be.

2                 Also, if you wish to address me without  
3 cross-examination before sentencing, you would be permitted,  
4 at the sentencing hearing, to do so.

5                 Now, if Mr. Bridgers had given you his estimate  
6 about what a sentence for you could look like, that, again,  
7 would be perfectly appropriate, but you do need to know,  
8 again, that the final decision is mine and mine alone. No  
9 one here knows what the sentence would be because we have to  
10 go through the process first.

11                 Does that make sense?

12                 **THE DEFENDANT:** It does, Your Honor. Thank you.

13                 **THE COURT:** Any questions at all about any of  
14 that?

15                 **THE DEFENDANT:** No questions, Your Honor.

16                 **THE COURT:** All right. Now, I wanted to note  
17 that if you did receive a sentence of incarceration, you  
18 would need to serve all time imposed minus a maximum of  
19 15 percent off as credit for good time served.

20                 Does that make sense?

21                 **THE DEFENDANT:** It does, Your Honor.

22                 **THE COURT:** All right. You need to know also  
23 that the grounds for withdrawing a guilty plea in federal  
24 court are pretty limited, so you would not be able to  
25 withdraw your guilty plea later just because you change your

1 mind. Let's say you decide some day that maybe you weren't  
2 guilty after all or you don't like the sentence you got.  
3 Those things alone would not be grounds for withdrawing a  
4 plea of guilty.

5 Does that make sense?

6 **THE DEFENDANT:** I understand, Your Honor.

7 **THE COURT:** All right. Thank you.

8 All right. Mr. Bridgers, do I understand  
9 correctly that Ms. Smith is not on parole, probation, or  
10 supervised release from any offense in any court?

11 **MR. BRIDGERS:** You do understand that correctly,  
12 Your Honor.

13 **THE COURT:** I thought so. Appreciate the  
14 confirmation.

15 I want to then move to our next topic, which is  
16 the rights that you would be giving up, Ms. Smith, if I was  
17 to accept your plea of guilty here today.

18 And have you been able to speak with Mr. Bridgers  
19 and other counsel as appropriate about your rights at trial  
20 if you were to exercise your right to trial?

21 **THE DEFENDANT:** I have, Your Honor.

22 **THE COURT:** Good. Then I'll run through them  
23 briefly here.

24 You have the right to continue in your current  
25 plea of not guilty and to persist in that plea of guilty and

1 head towards a speedy and public trial before a jury of your  
2 peers.

3 At this trial, you would be afforded the  
4 presumption of innocence, meaning you could not be found  
5 guilty of this charge unless and until the government proved  
6 your guilt beyond a reasonable doubt by proving each of the  
7 elements I mentioned beyond a reasonable doubt.

8 You have the right to be represented by counsel  
9 at trial throughout the trial, and also on any appeal if  
10 there was to be an appeal. And for any period of time in  
11 which it turns out you cannot afford your own counsel, you  
12 would be able to have court-appointed counsel paid for at  
13 public expense.

14 At this trial, you would have the right to  
15 confront and cross-examine government witnesses against you.  
16 You would also have the right, if you wish, to present  
17 evidence in your own defense. This includes the right to  
18 testify on your own behalf. You have an absolute right to  
19 do that. On the other hand, you have an absolute right not  
20 to testify, because you have the right to remain silent and  
21 not incriminate yourself unless and until you give up that  
22 right.

23 Now, if you were to plead guilty here today,  
24 though, you'd be waiving these rights because there would be  
25 no trial to determine whether or not you're guilty.

1 Instead, you'd be found guilty just because of your guilty  
2 plea, and we'd head towards sentencing and follow that  
3 process that I had mentioned.

4                  Does that make sense?

5                  **THE DEFENDANT:** It does, Your Honor.

6                  **THE COURT:** Any questions at all about your  
7 rights?

8                  **THE DEFENDANT:** No questions, Your Honor.

9                  **THE COURT:** Have you been able to speak with them  
10 really to your full satisfaction with Mr. Bridgers?

11                 **THE DEFENDANT:** I have, Your Honor.

12                 **THE COURT:** Okay. Now, we've talked about  
13 several different things already. We've talked about the  
14 nature of the charge and the elements of the offense. We've  
15 talked about the maximum possible penalties. We've talked  
16 about some other consequences or possible consequences of  
17 conviction. And we've talked about the rights that you  
18 would be giving up if I was to accept your plea of guilty  
19 here today.

20                 Having discussed these things, do you still wish  
21 to offer a plea of guilty?

22                 **THE DEFENDANT:** I do, Your Honor.

23                 **THE COURT:** All right. And that's what your plea  
24 petition, in fact, tells me. It says that you do wish to  
25 plead guilty, and I'm reading from paragraph 12, and that

1 you do have a plea agreement with the government. That's  
2 what paragraph 13 says.

3 Is that your understanding?

4 **THE DEFENDANT:** It is my understanding, Your  
5 Honor.

6 **THE COURT:** All right. This plea petition that  
7 you signed and this plea agreement that you signed, have you  
8 read each of these line for line, word for word?

9 **THE DEFENDANT:** I have, Your Honor.

10 **THE COURT:** Have you been able to discuss them  
11 with Mr. Bridgers to your full satisfaction?

12 **THE DEFENDANT:** Yes, Your Honor, I have.

13 **THE COURT:** Any questions about either of those  
14 documents?

15 **THE DEFENDANT:** No questions, Your Honor.

16 **THE COURT:** All right. Then I don't need to  
17 review everything, but there are some things that we need to  
18 go over. And if you have a copy of it in front of you, I'd  
19 direct your attention to page 11, paragraph 9. And it's a  
20 part of the plea agreement that says sentencing guidelines  
21 calculations.

22 Do you recall this language?

23 **THE DEFENDANT:** I do, Your Honor.

24 **THE COURT:** And there are a variety of figures in  
25 there, and I wanted to ask you: Do you feel, based on

1 reading this and discussing it with Mr. Bridgers, that you  
2 understand what those figures mean and where they came from?

3           **THE DEFENDANT:** Yes, Your Honor. We've discussed  
4 those.

5           **THE COURT:** All right. And do you realize that  
6 the parties are agreed on some parts of the guidelines  
7 calculations, but they reserve the right to disagree with  
8 each other about other parts of the guidelines calculations?

9           **THE DEFENDANT:** I understand, Your Honor.

10          **THE COURT:** All right. And do you understand  
11 that ultimately, it's the Court that makes the final  
12 decision about the guidelines calculations? Does that make  
13 sense?

14          **THE DEFENDANT:** Yes, I understand, Your Honor.

15          **THE COURT:** All right. Now, we talked about the  
16 way the Court has to calculate a guidelines range and take  
17 it into account. Under certain circumstances, the guideline  
18 range that otherwise applies could be lowered pursuant to  
19 what is known as a downward departure. And the plea  
20 agreement that you have contemplates the potential, but by  
21 no means the certainty, of a downward departure under  
22 certain circumstances.

23           Do you realize that it is a decision for the  
24 Court and the Court alone whether ultimately to grant a  
25 downward departure?

1                   **THE DEFENDANT:** I do, Your Honor.

2                   **THE COURT:** All right. Very well. Thank you.

3                   Now, if we look at page 13, there is a section  
4 there that talks about cooperation. Do you have any  
5 questions about that section?

6                   **THE DEFENDANT:** I have no questions, Your Honor.

7                   **THE COURT:** All right. Would it be fair to say  
8 that this language imposes certain obligations on you  
9 towards the government, and also imposes on the government,  
10 at least conditionally, certain obligations towards you? Do  
11 you understand that?

12                  **THE DEFENDANT:** That is my understanding, Your  
13 Honor.

14                  **THE COURT:** And do you feel like you understand  
15 those obligations?

16                  **THE DEFENDANT:** I do understand those, Your  
17 Honor.

18                  **THE COURT:** All right. And I wanted to direct  
19 your attention to paragraph 17. Do you see where it notes  
20 that the government would have the sole discretion to decide  
21 whether to file a motion on your behalf ultimately under  
22 United States sentencing guidelines, Section 5K1.1?

23                  **THE DEFENDANT:** I've seen that and I agree, Your  
24 Honor.

25                  **THE COURT:** All right. And do you see in

1 paragraph 18 where it says that each party is free to  
2 recommend whatever sentence it feels is appropriate? Do you  
3 understand that?

4                   **THE DEFENDANT:** I see and understand that, yes,  
5 sir.

6                   **THE COURT:** All right. Thank you.

7                   Now, turning to the next page, forfeiture of  
8 property, do you understand that the government intends,  
9 under this language, to move for a consent order of  
10 forfeiture, and that is an order with your consent for a  
11 forfeiture in the form of a money judgment? Do you  
12 understand that?

13                  **THE DEFENDANT:** I understand that, Your Honor.

14                  **THE COURT:** Now, I'm not seeing anything here,  
15 Mr. Bridgers, that indicates what the amount of the  
16 forfeiture money judgment would be. Is that to be  
17 determined?

18                  **MR. BRIDGERS:** That is to be determined, Your  
19 Honor. You're correct. There is no number in there.

20                  **THE COURT:** Do the parties believe that the  
21 amount could be left open to the Court; in other words, that  
22 Ms. Smith doesn't have to accept any figure the government  
23 requests? Is that fair to say?

24                  **MS. KLOPF:** That could happen, Your Honor. I'll  
25 represent we will, later on down the road, reach an

1 agreed-upon number, but at this point, it could be left  
2 open.

3                   **THE COURT:** Thank you. And the reason I ask, the  
4 language, "The United States will move for entry of a  
5 consent order of forfeiture consisting of a money judgment."  
6 And I figured that you probably didn't mean that to mean  
7 that the United States is obligating Ms. Smith to consent to  
8 an order with whatever figure that they have.

9                   So I think it sounds like we're on the same page.  
10 The United States intends to pursue a forfeiture. It's  
11 going to seek a preliminary order of forfeiture and then a  
12 final order of forfeiture. But everyone understands that  
13 the amount of any forfeiture order, if any, is to be  
14 determined. Fair to say?

15                   **MS. KLOPF:** Yes, Your Honor.

16                   **MR. BRIDGERS:** Fair to say from our side.

17                   **THE COURT:** Okay. All right.

18                   Now, there is also the possibility of restitution  
19 to any victims of the offense, Ms. Smith, that we had  
20 discussed. Paragraph 31 talks about sort of the interplay  
21 between an order of forfeiture and a restitution order.

22                   And as I read this language, it notes correctly  
23 that you actually could be required to pay both forfeiture  
24 and restitution even though someone could say, well, it  
25 looks like it's for the same loss. It's a double recovery

1 or double punishment. Under the law, for reasons we need to  
2 not get into, that is possible.

3 I read this language for the government to say  
4 something like this: Look, if we recover money from you  
5 under a forfeiture order, Ms. Smith, we'll make every effort  
6 to pay it over to victims to satisfy the restitution order  
7 and, you know, thereby lower your restitution order. But  
8 we, as the government, can't guarantee that.

9 That's what that language is telling me. Is that  
10 what it means to you?

11 **THE DEFENDANT:** I understand that, Your Honor.

12 **THE COURT:** Is that your take on that language,  
13 Mr. Bridgers?

14 **MR. BRIDGERS:** That is our take on that language,  
15 Your Honor.

16 **THE COURT:** All right. You, too, Ms. Klopf?

17 **MS. KLOPF:** Yes, Your Honor.

18 **THE COURT:** All right. Thank you.

19 All right. Final provision, the waiver of  
20 appellate rights. Paragraph 37 has language in there that  
21 seems to be written more for lawyers, I think, or perhaps  
22 legislators, than for regular folks. And I tell defendants  
23 this every time, and that it's perfectly appropriate:  
24 Sometimes lawyers have to write it that way. But there's --  
25 you know, it would be fair to say there's something -- some

1 language in there that's like jargon and legalese, not  
2 inappropriate, but it can be hard to understand.

3 So I want to ask you: Having read this language  
4 and discussed it with your attorneys, do you feel like you  
5 understand what it is saying?

6 **THE DEFENDANT:** I do, Your Honor.

7 **THE COURT:** Okay. Good. Then I can just  
8 summarize it briefly.

9 Here's the general idea: If someone's convicted  
10 in federal court and then gets sentenced, they generally  
11 have the right to challenge their conviction and challenge  
12 their sentence.

13 And they can do it one of two ways: One is by an  
14 appeal from this Court to a higher Court. This case would  
15 be the U.S. Court of Appeals for the Sixth Circuit. And  
16 your second option would be later on, to file certain kinds  
17 of motions challenging a conviction or a sentence or both in  
18 this court.

19 Experience shows, however, that as part of plea  
20 bargains, sometimes defendants give up some of these rights.  
21 This language is telling me that you're giving up a lot of  
22 your rights to make these kinds of challenges -- not all of  
23 your rights, but a lot of them, while preserving certain  
24 rights to make a challenge to your conviction or your  
25 sentence. That's what it's telling me.

1           Does that make sense to you?

2           **THE DEFENDANT:** It does, Your Honor.

3           **THE COURT:** All right. And, Mr. Bridgers, do you  
4 believe that you've covered this language adequately with  
5 Ms. Smith?

6           **MR. BRIDGERS:** Yes, we do, Your Honor.

7           **THE COURT:** Very well. All right.

8           We can set aside the plea agreement, and I'm  
9 going to then ask about voluntariness. If you offer to  
10 plead guilty, Ms. Smith, it should be your own personal  
11 choice to do so. So I'm going to ask you: Has anyone put  
12 any force or pressure or threats on you in an attempt to get  
13 you to plead guilty?

14           **THE DEFENDANT:** None of the above.

15           **THE COURT:** All right. Other than what is in  
16 your written plea agreement, has anything been promised to  
17 you in return for pleading guilty?

18           **THE DEFENDANT:** No other promises, Your Honor.

19           **THE COURT:** All right. Have you had any drugs or  
20 alcohol in the last 24 hours?

21           **THE DEFENDANT:** I have not, Your Honor.

22           **THE COURT:** Are you taking any prescription  
23 medications?

24           **THE DEFENDANT:** I am taking for my reflux  
25 medication.

1                   **THE COURT:** Okay. Now, this medication, does it  
2 have any side effects that impact your ability to think  
3 clearly?

4                   **THE DEFENDANT:** It does not, Your Honor.

5                   **THE COURT:** All right. Have you ever been  
6 treated for any mental health concerns?

7                   **THE DEFENDANT:** I have not, Your Honor.

8                   **THE COURT:** All right. Would you say your mind  
9 is clear and you know exactly what you're doing in here  
10 today?

11                  **THE DEFENDANT:** I do, Your Honor.

12                  **THE COURT:** And would you say that you are  
13 offering to plead guilty voluntarily?

14                  **THE DEFENDANT:** I am offering that voluntarily.

15                  **THE COURT:** All right. Thank you.

16                  Mr. Bridgers, Ms. Klopf, seems to me that we have  
17 a detailed factual basis set forth in the plea agreement.  
18 Are counsel amenable to waiving the reading as long as I  
19 ascertain Ms. Smith having knowledge and agreeing with the  
20 factual basis?

21                  **MS. KLOPF:** Yes, Your Honor.

22                  **THE COURT:** Does that work, Mr. Bridgers?

23                  **MR. BRIDGERS:** Yes, Your Honor.

24                  **THE COURT:** Okay. So in the plea agreement,  
25 there is a factual basis that essentially provides facts

1 that are intended to satisfy me that you agree to -- agree  
2 that the facts of this case do, in fact, show your guilt;  
3 that, you know, it's not like you're pleading guilty just  
4 because; or it's not like, well, maybe the government's  
5 making it up, but I gotta plead guilty anyway. Factual  
6 basis is where we establish that you agree that the -- there  
7 are facts that would, in fact, show your guilt.

8                   So I wanted to ask you: The part of the plea  
9 agreement labeled "Factual Basis" which goes on for a number  
10 of pages, have you read that language in full?

11                  **THE DEFENDANT:** I have, Your Honor.

12                  **THE COURT:** And would you say that you've been  
13 able to ask everything that you desired of your attorneys  
14 about this language?

15                  **THE DEFENDANT:** I have been able to, yes, sir.

16                  **THE COURT:** Okay. Would you agree with  
17 everything that's in that language?

18                  **THE DEFENDANT:** I do, Your Honor.

19                  **THE COURT:** Okay. Now, if there's anything at  
20 all in there that you don't agree with, that's fine. We  
21 just need to talk about it. Anything at all in there in the  
22 factual basis that you disagree with?

23                  **THE DEFENDANT:** I accept the factual agreement as  
24 provided, Your Honor.

25                  **THE COURT:** Okay. With no reservations? Is that

1 fair to say?

2           **THE DEFENDANT:** No reservations, sir.

3           **THE COURT:** Okay. All right. Are you offering  
4 to plead guilty because you are, in fact, guilty of the  
5 crime of honest services wire fraud that is alleged in the  
6 information?

7           **THE DEFENDANT:** Yes, Your Honor.

8           **THE COURT:** All right. Thank you.

9           So at this time, I want to ask counsel for each  
10 side whether they are satisfied on each of the following  
11 points: First, that Ms. Smith is competent to plead guilty,  
12 also that she is willing to plead guilty voluntarily, that  
13 her guilty plea is based on no agreements or promises other  
14 than what is in her written plea agreement;

15           That her guilty plea is being made with a full  
16 understanding of the nature and elements of the charge, the  
17 maximum possible penalties, other consequences and possible  
18 consequences of conviction, and her legal rights to contest  
19 the charge at trial;

20           That she has knowingly and voluntarily waived her  
21 legal rights to contest the charge at trial; that a factual  
22 basis has been established sufficient to show her guilt on  
23 that charge; and that the Court has complied with the  
24 provisions of Federal Rule of Criminal Procedure 11 in  
25 accepting the plea of guilty.

1                   Are counsel satisfied on these points?

2 Ms. Klopf?

3                   **MS. KLOPF:** Yes, Your Honor.

4                   **THE COURT:** Thank you.

5 Mr. Bridgers?

6                   **MR. BRIDGERS:** Yes, Your Honor.

7                   **THE COURT:** All right. So, Ms. Smith, at this  
8 time, I need to ask you, as to the crime charged in the  
9 indictment, at this time, how do you plead: Not guilty or  
10 guilty?

11                  **THE DEFENDANT:** Guilty, Your Honor.

12                  **THE COURT:** All right. The Court has observed  
13 the appearance of the defendant, Ms. Smith, in court here  
14 today, and based on the Court's observation of that and  
15 based on the specific answers she has given to the Court's  
16 questions, the Court makes the following findings: that the  
17 defendant, Ms. Smith, is in full possession of her faculties  
18 and is competent to plead guilty;

19                  That she is not under the apparent influence of  
20 drugs, alcohol, or prescription medications; that she  
21 understands the nature and elements of the charge, the  
22 maximum possible penalties, other consequences or possible  
23 consequences of conviction, and her legal rights to contest  
24 the charge at trial;

25                  That she has knowingly and voluntarily waived her

1 legal rights to contest the charge at trial; that she is  
2 aware of the terms of her plea agreement; that she has  
3 offered to plead guilty knowingly, voluntarily, and  
4 intelligently; and that there is a factual basis to support  
5 the plea of guilt.

6 So for these reasons, the Court will accept the  
7 plea of guilty. That plea is accepted, Ms. Smith is  
8 adjudged guilty of the crime charged in the information.

9 And we, therefore, need to schedule a sentencing  
10 hearing. Understanding that the government may have views  
11 about when sentencing really is more -- most likely to be  
12 appropriate, I will ask the government its view. Would  
13 something in about four months be appropriate and then see  
14 where things stand at that point, or do you think we should  
15 set it out further to begin with?

16 **MS. KLOPF:** Your Honor, if possible, could we set  
17 it out a little further?

18 **THE COURT:** Like September?

19 **MS. KLOPF:** September-October. Actually, I'm  
20 sorry, Mr. Taddei has a trial in September. Could we set it  
21 in October?

22 **THE COURT:** October? Mr. Bridgers, any  
23 objection?

24 **MR. BRIDGERS:** No objection, Your Honor.

25 **THE COURT:** All right. Let's see what we can get

1       in October. And while we're working on that, I wanted to  
2       ask the government its view about release pending  
3       sentencing.

4                   **MS. KLOPF:** Yes, Your Honor. We're not asking  
5       for remand.

6                   **THE COURT:** And would that be based on the  
7       government's assessment that Ms. Smith does not have a  
8       concerning criminal history, that this is not a crime of  
9       violence, and that, of course, she's only recently been on  
10      bond, but certainly no violations of pretrial release? Is  
11      that's what's factored into the government's thinking?

12                  **MS. KLOPF:** Yes, Your Honor. I think the  
13       conditions that she's currently on are appropriate for her  
14       to continue to remain on.

15                  **THE COURT:** Okay. Very well. Thank you.

16                  All right. How about, for sentencing, October  
17       the 17th at 1:00 p.m.?

18                  **MS. KLOPF:** That works, Your Honor.

19                  **MR. BRIDGERS:** Works for the defense side.

20                  **THE COURT:** All right. Very well. Then we will  
21       get out an order setting this for sentencing October  
22       the 17th at 1:00 p.m. If anyone feels the need to seek to  
23       change that, by all means, don't hesitate to file a motion  
24       or reach out to the courtroom deputy.

25                  Ms. Smith, I do need to explain this to you.

1 Even for someone that hasn't, for however long they've been  
2 on pretrial release, hasn't had any violations of conditions  
3 of release, once they plead guilty, the calculus changes and  
4 there is at least a possible presumption that the person  
5 should be detained pending sentencing.

6                 But the presumption can be overcome, and in cases  
7 like this with the factors that I had reviewed with  
8 Ms. Klopf, it's appropriate to allow you to remain on  
9 release pending sentencing.

10               I would note, however, that it does remain just  
11 vital to comply with all conditions of release because no  
12 one wants to see you back in court before the scheduling --  
13 the scheduled sentencing date based on an alleged violation  
14 of conditions of pretrial release.

15               So that means always think before you act, and if  
16 you ever -- you have a question about compliance with  
17 conditions of pretrial release, pick up the phone and call  
18 Mr. Bridgers and get clarification.

19               Can I count on you to do those things?

20               **THE DEFENDANT:** You may, Your Honor.

21               **THE COURT:** All right. Thank you. That being  
22 the case, and given the factors I had mentioned and the  
23 government's lack of objection, Ms. Smith, as is appropriate  
24 under these circumstances, can remain on her current  
25 conditions of release.

1                   All right. Is there anything else we need to  
2 cover at this time? Ms. Klopf?

3                   **MS. KLOPF:** Not from the United States, Your  
4 Honor.

5                   **THE COURT:** Mr. Bridgers?

6                   **MR. BRIDGERS:** Not from the defendant, Your  
7 Honor.

8                   **THE COURT:** All right. Thank you, counsel. We  
9 stand in recess.

10                  (WHEREUPON, the foregoing proceedings were  
11 concluded at 5:28 p.m.)

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1           **REPORTER'S CERTIFICATE**

2  
3           I, Deborah K. Watson, Official Court Reporter for  
4           the United States District Court for the Middle District of  
5           Tennessee, with offices at Nashville, do hereby certify:

6           That I reported on the Stenograph machine the  
7           proceedings held in open court on March 8, 2022, in the  
8           matter of UNITED STATES OF AMERICA vs. ROBIN SMITH, Case No.  
9           3:22-cr-00078-1; that said proceedings in connection with  
10          the hearing were reduced to typewritten form by me; and that  
11          the foregoing transcript (pages 1 through 35) is a true and  
12          accurate record of said proceedings.

13           This the 19th day of December, 2024.

14  
15           \_\_\_\_\_  
16           /s/ Deborah K. Watson  
DEBORAH K. WATSON, RPR, CRR  
Official Court Reporter